

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #6	CCRB Case #: 201906120	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/12/2019 9:45 PM	Location of Incident: Dean Street, between 6th Avenue and Flatbush Avenue	Precinct: 78	18 Mo. SOL 10/12/2020	EO SOL 5/29/2021	
Date/Time CV Reported Fri, 07/12/2019 4:21 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 07/12/2019 4:21 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM John Sears	05952	949650	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Sears	Discourtesy: Police Officer John Sears spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM John Sears	Abuse: Police Officer John Sears threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On July 12, 2019, July § 87(2)(b) called the CCRB and filed the following complaint on behalf of herself and her boyfriend, § 87(2)(b). On July 26, 2019, an OCD spin-off regarding this case was generated under CCRB case #201906547.

The investigation has not obtained any video evidence to date. A request for body-worn camera footage produced negative results.

Between July 16, 2019 and July 24, 2019, § 87(2)(b) was called three times and three voicemail messages were left. On July 26, 2019, § 87(2)(b) called the CCRB, confirmed contact information for herself and § 87(2)(b) and requested more time to consider whether to pursue a CCRB complaint. § 87(2)(b) scheduled a call back during the week of July 29, 2019. Between July 31, 2019, and August 2, 2019, § 87(2)(b) was called twice as requested and two voicemail messages were left. On August 7, 2019, § 87(2)(b) called the CCRB and left a please-call voicemail message. Upon immediate call-back, § 87(2)(b) stated that she and § 87(2)(b) wished to withdraw this complaint because they were primarily concerned with NYPD-bicyclist relations as a systemic issue, rather than this particular incident. § 87(2)(b) confirmed that she was withdrawing the complaint of her own free will and was not coerced to do so by anyone in the NYPD or the CCRB. § 87(2)(b) stated that § 87(2)(b) would contact the CCRB to personally withdraw his portion of the complaint as well, but to date he has not done so. Supervising Investigator Cassandra Fenkel reviewed § 87(2)(b)'s withdrawal audio—located in IA #50, beginning at the 00:43 mark—and confirmed that it adhered to agency standards. On August 7, 2019, a complaint-withdrawn letter, which § 87(2)(b) later signed and returned, was mailed to § 87(2)(b)'s confirmed mailing address.

In her initial intake call, § 87(2)(b) provided a mailing address and a phone number for § 87(2)(b). Database searches of the following databases were conducted for § 87(2)(b)'s contact information: LexisNexis, CLEAR, the NYPD's Booking and Arraignment Disposition System (BADs), and the Office of Court Administration (OCA). These searches produced two phone numbers, which proved to be either out of service or incorrect; one email address; and four additional mailing addresses. Between July 16, 2019, and July 24, 2019, § 87(2)(b) was called three times and three voicemail messages were left at the phone number provided by § 87(2)(b). On July 24, 2019, an email was sent to the sole possible email address for § 87(2)(b). That same day, he replied and stated that he would call the CCRB the following day at a specific time. On July 25, 2019, however, § 87(2)(b) failed to call the CCRB as he had scheduled. Later that same day, he was called and a voicemail message was left. Between August 2, 2019 and August 8, 2019, § 87(2)(b) was called twice and two voicemail messages were left. Between July 17, 2019, and August 5, 2019, two unreturned letters were mailed to each of § 87(2)(b)'s five possible mailing addresses and an email was sent to the sole possible email address for him.

On August 15, 2019, § 87(2)(b) called the CCRB and left a please-call voicemail message. That same day, § 87(2)(b) was called. He confirmed his contact information, declined to have the case investigated, and expressed interest in mediation, but requested a few days to further consider his options. § 87(2)(b) scheduled a call-back for August 19, 2019 in regards. On August 19, 2019, § 87(2)(b) was called as scheduled but there was no answer and a please-call message was left. On August 21, 2019, § 87(2)(b) called the CCRB and stated that he wished to withdraw this complaint because a mediation session did not seem worth anyone's time. § 87(2)(b) confirmed that he was withdrawing the complaint of his own free will and was not coerced to do so by anyone in the NYPD or the CCRB.

Supervising Investigator Cassandra Fenkel reviewed the withdrawal audio—located in IA #67, beginning at the 00:09 mark—and confirmed that it adhered to agency standards. On August 22, 2019, a complaint-withdrawn letter, which § 87(2)(b) agreed to sign and return, was mailed to his confirmed mailing address.

§ 87(2)(g)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date